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Attorneys for Defendant  
SMITH'S FOOD & DRUG CENTERS, INC.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GERALDINE COOPER, an individual,  
  
Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.,  
a foreign corporation; DOE INDIVIDUALS 1  
through 10; and ROE ENTITIES 11 through  
20, inclusive jointly and severally,  
  
Defendants.

Case No. 2:23-cv-02011-CDS-DJA

**DEFENDANT SMITH'S FOOD & DRUG  
CENTERS, INC.'S REQUEST TO HAVE  
ITS CORPORATE REPRESENTATIVE  
ATTEND THE MANDATORY  
SETTLEMENT CONFERENCE ONLINE**

Defendant SMITH'S FOOD AND DRUG CENTERS, INC. ("SMITH'S" or "Defendant"), by  
and through its counsel of record JERRY S. BUSBY, ESQ. and SCOTT L. STONEHOCKER, ESQ. of  
the law firm COOPER LEVENSON, P.A., hereby requests that its corporate representative be allowed  
to appear online for the upcoming mandatory settlement conference.

On March 27, 2025, this Court ordered that a settlement conference take place on Friday,  
May 30, 2025, at 10:00 A.M. (ECF No. 19). In the Order, the Court stated the following:

- In the case of non-individual parties, counsel must arrange for a representative with binding authority to settle this matter up to the full amount of the claim to be present for the duration of the SC.
- If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim must be present for the duration of the SC.

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- An attorney of record, individual parties, a fully-authorized representative, and a fully-authorized insurance representative must appear unless the court enters an order granting a request for exception.

The corporate representative who will be attending the settlement conference on behalf of Defendant resides near and works at the corporate headquarters of The Kroger Co.<sup>1</sup>, located in Cincinnati, Ohio. The corporate representative for Defendant is planning to participate in the settlement conference with binding settlement authority but requests that online attendance be permitted.

On May 7, 2025, Defense counsel for SMITH'S contacted Plaintiff's attorney to ask if he would agree to have SMITH'S corporate representative appear online, if the Court would allow the same. Plaintiff's attorney stated that he is not opposed to SMITH'S representative attending online.

At this time, SMITH'S is planning to have a corporate representative from the home legal office of The Kroger Co. (SMITH'S "parent corporation") participate in the settlement conference. The corporate representative lives near the Kroger corporate office in Cincinnati, Ohio, and consequently it would cost several thousand dollars for the corporate representative to travel to Las Vegas to appear in person. Further, the corporate representative for SMITH'S is very familiar with settlement conferences and mediations and has attended many in the past. Accordingly, the SMITH'S representative fully understands the importance of the settlement conference, and Defendant suggests that the in-person appearance of a corporate representative is not necessary. Defendant further notes that it previously had corporate representatives participate online in settlement conferences with Magistrate Judge Albregts and other Magistrate Judges in Nevada and successfully resolved the cases.

SMITH'S home office will comply with whatever this Court orders and requests that it be allowed to attend remotely and save the expense for travel to use as additional consideration towards a settlement. Therefore, Defendant respectfully requests that this Court allow SMITH'S corporate representative to attend the May 30, 2025 Settlement Conference online.

SMITH'S is self-insured up to \$5,000,000.00. Plaintiff has disclosed computed medical damages in the amount of \$143,172.61 in its Fourth Supplement to Early Case Conference Disclosure of

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<sup>1</sup> Defendant Smith's Food & Drug Centers, Inc. is a wholly owned subsidiary of Fred Meyer, Inc., which, in turn, is a wholly owned subsidiary of The Kroger Co.


1 Documents and Witnesses Pursuant to FRCP 26.1. Therefore, SMITH'S does not believe its excess  
2 policy, beyond the self-insured retention of \$5,000,000.00, will be at issue herein. Accordingly,  
3 SMITH'S does not believe the attendance by an insurance representative is required by the Court's  
4 Order Setting Settlement Conference.

5 Dated this 7th day of May, 2025.

6 COOPER LEVENSON, P.A.

7  
8 By /s/ *Scott L. Stonehocker*  
9 Jerry S. Busby  
10 Nevada Bar No. 001107  
11 Scott L. Stonehocker  
12 Nevada Bar No. 005512  
13 3016 West Charleston Boulevard - #195  
14 Las Vegas, Nevada 89102  
15 Attorneys for Defendant  
16 SMITH'S FOOD & DRUG CENTERS, INC.

17  
18 IT IS SO ORDERED.

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22 DANIEL J. ALBREGTS  
23 U.S. MAGISTRATE JUDGE  
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DATED: 5/08/2025

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A. and that on this 7th day of May, 2025, I did cause a true copy of the foregoing **DEFENDANT SMITH'S FOOD & DRUG CENTERS, INC.'S REQUEST TO HAVE ITS CORPORATE REPRESENTATIVE ATTEND THE MANDATORY SETTLEMENT CONFERENCE ONLINE** to be served via CM/ECF electronic filing upon the following person(s):

David D. Boehrer, Esq.  
DAVID BOEHRER LAW FIRM  
375 North Stephanie Street - Suite 711  
Henderson, NV 89014  
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski  
An Employee of  
COOPER LEVENSON, P.A.